

# **EXHIBIT “A”**

**AMERICAN ARBITRATION ASSOCIATION**

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**IN THE MATTER OF:**

**ARTHUR KILL PROPERTIES, LLC,**

**Case 02-22-0005-1954**

**Claimant,**

**v.**

**NEAL DEVITO,**

**Respondent,**

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**FROM THE PEOPLE OF THE STATE OF NEW YORK**

**To: Advantage Chevrolet  
1575 86<sup>th</sup> Street  
Brooklyn, NY 11228**

By the authority conferred on the undersigned arbitrator by Section 7 of the United States Arbitration Act (9 U.S.C. § 7), you are hereby SUMMONED to attend as a witness at a virtual hearing before the undersigned arbitrator to be held on December 21, 2023 at 10:00 a.m., which a link will be provided to you, and to bring with you to the hearing the documents identified in Schedule A annexed to this SUMMONS.

Provided that this SUMMONS has been served upon you in the same manner as is required of a judicial subpoena under Rule 45 of the Federal Rules of Civil Procedure, then if you shall refuse or neglect to obey this SUMMONS, upon petition the United States District Court for the District of New York or a competent court of the State of New York may compel your attendance, or punish you for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

You may address questions concerning this SUMMONS to the attorneys or the Case Manager identified below. Any application by you to quash or modify this SUMMONS in whole

or in part should be addressed to the arbitral tribunal American Arbitration Association (“AAA”) in writing and sent via the Case Manager, with copies to counsel for the parties, except that a motion upon the ground that the SUMMONS is unenforceable under Section 7 of the U.S. Arbitration Act may also be addressed to the United States District Court for the District of New York or a competent court of the State of New York.

The attorneys for the Claimant in this arbitration are Milman Labuda Law Group, PLLC, Attn: Michael J. Mauro, Esq., 3000 Marcus Avenue, Suite 3W8, Lake Success, NY 11042, (516) 328-8899, [michael@mlaborlaw.com](mailto:michael@mlaborlaw.com).

The attorneys for the Respondent in this arbitration are Jonathan Tribiano, PLLC, Attn: Jonathan Tribiano, Esq., 404 Manor Road, Staten Island, NY 10314, (718) 530-1445, [jwtribiano@jwtesq.com](mailto:jwtribiano@jwtesq.com).

The Case Manager is Eve Turner, (401) 431-4774, [eveturner@adr.org](mailto:eveturner@adr.org).

Signed: *Vincent Gentile*  
Hon. Vincent Gentile,  
Arbitrator

Requested by: Arthur Kill Properties, LLC  
Michael J. Mauro, Esq.  
Milman Labuda Law Group PLLC  
Suite 3W8  
Lake Success, NY 11042  
(516) 328-8899  
[michael@mlaborlaw.com](mailto:michael@mlaborlaw.com)

Dated: November 27, 2023

**SCHEDULE A**

**We Command Advantage Chevrolet (hereinafter referred to as “you”) to produce the following documents and electronically stored information:**

1. All documents, whether in electronic or hard format, that reflect any agreements (including contracts and leases) between you<sup>1</sup> and Neal Devito (“Devito”) concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
2. All documents, whether in electronic or hard format, that reflect any agreements (including contracts and leases) between you and 13 Miles LLC concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
3. All documents, whether in electronic or hard format, that reflect any agreements (including contracts and leases) between you and Dealer Direct Services Inc. concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
4. All correspondence, including emails and text messages, between you and Devito relating to any agreements with or on behalf of 13 Miles LLC for the period of September 23, 2019 to the present.
5. All correspondence, including emails and text messages, between you and Devito relating to any agreements with or on behalf of Dealer Direct Services Inc. for the period of September 23, 2019 to the present.
6. All invoices provided by or to you and Devito concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.

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<sup>1</sup> “You” includes owners, representatives and employees of Advantage Chevrolet throughout this subpoena.

7. All invoices provided by or to you and 13 Miles LLC concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
8. All invoices provided by or to you and Dealer Direct Services Inc. concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
9. All records of payments provided by or to you and Devito concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
10. All records of payments provided by or to you and 13 Miles LLC concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.
11. All records of payments provided by or to you and Dealer Direct Services Inc. concerning 4350 Arthur Kill Road, Arthur Kill Properties, LLC and/or 4300 Arthur Kill Road.